

To: Hassell, Emily[hassell.emily@epa.gov]
From: Bowman, Liz
Sent: Wed 2/21/2018 8:41:47 PM
Subject: RE: News Clips - 21 February 2018

Thanks, Emily!

From: Hassell, Emily
Sent: Wednesday, February 21, 2018 2:32 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: News Clips - 21 February 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Travel

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AP - Oil spill cleanup underway in suburban Oklahoma City

Reuters - Missouri residents sue over radioactive material storage sites

E&E Energywire - IG report discounted Tar Creek Superfund fraud claims

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Reuters

<https://www.reuters.com/article/us-usa-epa-travel/house-democrats-ask-epa-chief-for-details-on-premium-travel-idUSKCN1G42IC>

House Democrats ask EPA chief for details on premium travel

By Valerie Volcovici, 2/20/18, 1:01 PM

WASHINGTON (Reuters) - Democrats on the House energy committee on Tuesday asked Environmental Protection Agency chief Scott Pruitt to explain travel records that recently came

to light, which showed he has taken frequent first-class flights at taxpayer expense.

The Democrats wrote a letter asking Pruitt to provide a list of all dates where he traveled in first or business class, an explanation on how he followed guidelines for obtaining waivers for premium travel and the names of other staff who also traveled in premium class.

Complaints about travel arrangements by Pruitt and other Trump administration cabinet members re-emerged last week. Last year, Health and Human Services Secretary Tom Price resigned after reports that he used private jets for routine travel.

The documents cited by the lawmakers showed that Pruitt's official travel has included first class flights for him and key staff, as well as the use of charter flights.

Pruitt did not immediately reply to a request for comment on the letter from members of the House panel. He recently said in a television interview that he was instructed to travel first class due to security threats and "uncomfortable" confrontations with other passengers.

The letter from the lawmakers asked Pruitt to explain why he believes security threats are reduced in first class cabins.

On Feb. 18, the Washington Post reported that Pruitt canceled a planned weeklong trip to Israel. A few days earlier, the newspaper had reported that he spent over \$100,000 in taxpayer money for premium travel, based on records obtained by the Environmental Integrity Project.

That watchdog group on Friday obtained new travel records, shared with media, showing Pruitt and EPA employees spent upwards of \$150,000 on premium commercial and chartered flights from March to August 2017.

"Americans deserve an EPA Administrator more dedicated to first class protection of human health and the environment than to luxury travel at taxpayer expense," the letter said.

The letter also questioned a claim by EPA spokesman Jahan Wilcox, who told reporters Pruitt received a "blanket waiver" by ethics officials to enable him to travel first class.

The committee Democratic leaders, Representatives Frank Pallone, Paul Tonko and Diana DeGette, asked for answers by March 6.

Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/02/house-democrats-press-pruitt-for-more-info-on-travel-646305>

House Democrats press Pruitt for more info on travel

By Eric Wolff, 2/20/18, 12:09 PM

Democrats on the House Energy and Commerce Committee are pressing EPA Administrator Scott Pruitt to clear up the "shifting explanations" around his reasons for flying first class.

Reps. Frank Pallone (N.J.), Diana DeGette (Colo.) and Paul Tonko (N.Y.), the top Democrats on the full committee, the oversight subcommittee and the environment subcommittee, sent Pruitt a letter today asking for details on the security justifications and who is involved in booking his first-class plane tickets.

"The Agency has offered shifting explanations to date regarding whether or not you have complied with federal regulations and Agency policies and procedures, raising significant questions about the veracity of information provided by your office," the letter says.

Pruitt has flown first class extensively in the past year and has received an unusual number of security threats. Last week, the agency told POLITICO that it had a "blanket waiver" for Pruitt's pricey travel, but backtracked after POLITICO cited EPA regulations barring such a waiver.

Pruitt has received more threats than his predecessors, EPA has said, and faced confrontations in airports when he has traveled.

The same group of Democrats wrote last week to EPA Inspector General Arthur Elkins asking him to expand his probe of Pruitt's travel.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074395/search?keyword=EPA>

House watchdog questions Pruitt's first-class travel

By Kevin Bogardus, 2/21/18

The House's top watchdog is requesting justification for U.S. EPA Administrator Scott Pruitt's first-class travel.

House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) sent a letter yesterday to the EPA chief asking for records that back up the agency's claims that Pruitt has taken the pricier business- and first-class trips over security concerns as well as a full accounting of every trip the administrator has taken during his first year at EPA.

Gowdy asked for the documents "to assist the committee's oversight of whether federal regulations regarding official travel were followed." The chairman also took issue with an EPA spokesman's statement last week that Pruitt had a "blanket waiver" to fly first class due to security threats, which was later amended to say the administrator seeks an individual waiver for each flight (E&E Daily, Feb. 15).

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs. Instead, a waiver for each flight is required in order to fly first or business class when traveling on official government business," Gowdy said.

The Republican asked that Pruitt identify each flight he has taken for official business from Feb. 17, 2017, to Feb. 16 of this year, including the cost of each flight and whether it was coach, business or first class.

In addition, Gowdy asked for any waivers given to Pruitt for the more expensive flights and for him to identify all other EPA employees and security guards who traveled with him and the cost of their airfare.

The Oversight chairman asked that Pruitt respond to his request no later than March 6.

Asked about Gowdy's letter, an EPA spokeswoman told E&E News, "We will respond through the proper channels."

Pruitt's travel over the past year, including his use of first-class flights as well as charter and military planes, has come under scrutiny from lawmakers and environmental groups. The EPA inspector general has an ongoing audit of the administrator's trips, which it has expanded twice to cover all of Pruitt's travel through the end of 2017.

CNN

<http://www.cnn.com/2018/02/18/politics/epa-scott-pruitt-israel-travel/index.html>

Pruitt postponing visit to Israel after reports of expensive travel

By Eli Watkins, 2/18/18, 1:48 PM

Washington (CNN) - Environmental Protection Agency chief Scott Pruitt has postponed a planned visit to Israel following criticism for taking expensive flights on the taxpayer dollar, an EPA spokesperson confirmed to CNN.

"We decided to postpone," EPA public affairs officer Liz Bowman said in an email. "The administrator looks forward to going in the future."

The Washington Post was first to report news of the postponement, and people in Israel briefed on Pruitt's plans told the Post he would have arrived Sunday and stayed at a five-star hotel in Jerusalem through Thursday.

The Post said an EPA official previously said Pruitt would visit Israel to tour the nation and "gain an understanding of Israel's unique infrastructure and environmental challenges."

Pruitt has faced criticism for taking expensive flights and staying at luxury hotels more often than his predecessors, but has pushed back on accusations of improper or wasteful spending.

"We've reached the point where there's not much civility in the marketplace," Pruitt said. "And it's created, you know, it's created some issues and the (security) detail, the level of protection is determined by the level of threat."

He said he did not make the decision around his security and travel, and EPA documents have

outlined details of some of his travel.

Scrutiny over Pruitt's travel has built for months, making him one of several Trump administration Cabinet officials under fire for their travel practices. Tom Price resigned last year as secretary of the Department of Health and Human Services after reports emerged about his extensive use of government-funded private jets.

The Hill

<http://thehill.com/homenews/administration/374715-white-house-trump-has-confidence-in-va-epa-chiefs>

White House: Trump has confidence in VA, EPA chiefs

By Jordan Fabian, 2/20/18, 3:53 PM

The White House indicated Tuesday that President Trump has confidence in his Veterans Affairs secretary and Environmental Protection Agency director despite allegations of travel abuses.

"I have no reason to believe otherwise," White House press secretary Sarah Huckabee Sanders told reporters when asked if Trump still has confidence in VA Secretary David Shulkin and EPA Administrator Scott Pruitt.

"As we have said many times before, if somebody doesn't have the confidence of the president, you will know."

An inspector general report found that Shulkin improperly used taxpayer dollars for a trip to Europe last year and Pruitt has come under scrutiny for flying first-class while on official business.

Politico

<https://www.politicopro.com/energy/article/2018/02/pruitts-cleanup-plan-wont-win-superfund-tax-infusion-353771>

Pruitt's cleanup plan won't win Superfund tax infusion

By Alex Guillen and Anthony Adragna, 2/20/18, 4:33 PM

Congress revived a tax on crude to help pay for oil spill cleanups, and President Donald Trump has kept the door open for a 25-cent increase in the gas tax to fund infrastructure projects.

But there's little chance Congress will try to resurrect a long-dead Superfund tax on oil and chemical companies to help pay for EPA Administrator Scott Pruitt's push to shrink the backlog of thousands of polluted properties around the country.

Pruitt has pledged to speed the cleanup of the nation's worst Superfund sites, but he has never raised the idea of reviving the tax that was killed in 1995 after the "Gingrich revolution" the previous year gave the GOP control of the House. And though some Democrats and green groups continue to tout the tax, Republican lawmakers aren't worried that Pruitt's Superfund cleanups will suffer.

"I don't think we have enough time to say whether the direction [EPA is] going now is good or bad or needs to change," Rep. John Shimkus (R-Ill.), chairman of the Energy and Commerce Environment Subcommittee, told POLITICO. "I think he's making a good-faith effort to do it with the resources he has."

The Superfund tax killed in the 1990s had three main revenue streams that generated \$1.5 billion annually: 9.7 cents per barrel of crude oil produced or imported; a tax on certain chemicals and metals that went as high as \$4.87 per ton depending on the substance; and a 0.12 percent tax on corporate profits exceeding \$2 million.

By 2002, the Superfund had run dry, forcing Congress to tap into the government's general fund for its annual budgets. Under the Obama administration, Congress approved an average of \$1.17 billion each year for Superfund cleanups. The Trump White House's proposed 2019 budget originally allocated just \$762 million, although a last-second spending cap boost passed by Congress brought the proposed Superfund levels back up to \$1.09 billion, on par with the previous couple of years.

Republicans are wary of imposing any new tax burdens, and many said they weren't familiar enough with the lapsed excise tax to evaluate it. And they said the revived oil spill tax, which imposes a 9-cent-per-barrel tax on oil that goes into the Oil Spill Liability Trust Fund, was not a good comparison.

"The Oil Spill Liability Trust Fund is so specific in its purpose," Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) told POLITICO. "I haven't given thought to [the Superfund tax] and why this would be the right approach."

Others suggested the Superfund tax warranted further study.

"I don't know how much of a [funding] deficit exists in the Superfund sites," Sen. Dan Sullivan (R-Alaska) told POLITICO. "I certainly would look into it."

Democrats have argued the Superfund needs a dedicated funding stream outside of annual appropriations to pay for cleaning up hundreds of contaminated sites, and restoring the lapsed tax would show the administration's commitment to addressing the problem.

“I do think there would be an opportunity for Congress to empower the resources to deal more effectively with brownfield sites and Superfund sites that have been identified,” Sen. Ben Cardin (D-Md.) said.

If EPA can identify the culprit behind a site, known as a “potentially responsible party,” it can force them to pay for cleanups, which happens at around 70 percent of sites.

The Trump administration has not proposed reviving the tax, and an EPA spokesman said that Pruitt “will continue to work with the funding provided by Congress to expedite remedies at all sites listed on the National Priorities List.”

Pruitt has said that private money should be responsible for remediation, and he has downplayed the need for federal money, telling “Fox & Friends” last year “it’s not a matter of money, it’s a matter of leadership and attitude ad management.”

Earlier this month, EPA proposed requiring subsidiaries of Republic Services and Exelon to foot part of the \$236 million bill for a cleanup of radioactive waste at a St. Louis landfill. And last fall, EPA approved a \$115 million plan to remove most of the dioxins at the submerged San Jacinto waste pits near Houston, though that decision is being opposed by the Waste Management.

But nearly one-third of the time, Superfund sites are known as “orphans,” with no clear responsible party. In those cases, the taxpayers are on the hook.

Some green groups say the responsibility for those 314 orphaned sites sites should fall on the overall polluting industry — the way the Superfund tax was funded.

“The whole idea of Superfund is responsible parties pay. If there’s an orphaned site, shouldn’t the industries likely to have caused the problem pay rather than the regular taxpayer?” said Scott Slesinger, legislative director for the Natural Resources Defense Council.

Former President Barack Obama campaigned on reinstating the Superfund tax, and his budget proposals placed 10-year revenues at \$23.5 billion, though it was never implemented. EPA even took the unusual step in 2010 of sending a letter to Congress urging them to reinstate it.

Sen. Bob Menendez and Rep. Frank Pallone of New Jersey — which is home to more Superfund sites than any other state — have repeatedly pushed legislation to revive the tax over the years to no avail. At a January Energy and Commerce Committee hearing, Pallone lamented the inaction on reinstituting the tax, saying "many endangered communities are being ignored, even as Administrator Pruitt declares the Superfund to be his top priority."

Industry groups oppose reviving the tax, and the American Petroleum Institute argues that the oil industry paid an outsize share into the original Superfund compared with its share of Superfund sites.

A 2008 Congressional Research Service report said that of the nearly \$9.2 billion that went into Superfund in the five years before the tax expired, more than 25 percent came from the petroleum tax, while 12 percent came from the chemical tax. The corporate tax contributed 28 percent. The remaining 35 percent came from congressional appropriations, reimbursements from polluters and interest generated by the trust fund.

Congress could consider tweaking the formula to include other industries, but the funding burden should remain on the polluters, not the taxpayers, said Mathy Stanislaus, the former EPA assistant administrator who oversaw the Superfund program under Obama.

"The bottom line question is whether Congress and this administration are going to make the decision of whether the taxpayers pay for the mismanagement of worst actors in whatever sector, or should it be the various sectors that are most associated with creating products that can be associated to Superfund sites?" Stanislaus said. "Congress ... has chosen to have the taxpayers pay versus those manufacturers."

Stanislaus also noted that the Trump administration in December reversed an Obama-era proposal under the Superfund law that would have required companies that mine gold, copper,

iron and other “hardrock” minerals to obtain financial assurance that they could clean up sites once done.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074289/search?keyword=EPA>

Pruitt, Zinke and Perry to address CPAC

By Kevin Bogardus, 2/20/18

Cabinet members versed in energy and the environment will appear this week at the Conservative Political Action Conference in National Harbor, Md.

Energy Secretary Rick Perry, Interior Secretary Ryan Zinke and U.S. EPA Administrator Scott Pruitt are listed on the annual politically right-leaning event's agenda for this week.

Pruitt is scheduled to speak at the Ronald Reagan Dinner on Friday night. He is slated to appear alongside Fox News host Judge Jeanine Pirro at the ticketed event.

Friday morning, Perry and Zinke are expected to appear together. The two Cabinet secretaries will be interviewed by former Rep. Bob Beauprez (R-Colo.).

All three have appeared at CPAC in the past, including during their earlier posts as elected officials.

One of Pruitt's first public events as EPA chief was his appearance at CPAC last year, where he promised an "aggressive" rollback of agency regulations (Climatewire, Feb. 27, 2017).

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074419/search?keyword=EPA>

Pruitt's office cancels 'active shooter' drill

By Kevin Bogardus, 2/21/18

U.S. EPA Administrator Scott Pruitt's office has canceled an "active shooter" drill that had been scheduled at agency headquarters this afternoon.

Internal emails obtained by E&E News show EPA had planned and then backed off from holding the drill at the direction of Pruitt's office. EPA is now looking to reschedule the exercise.

"Hello, please be advised that the William Jefferson Clinton North Active Shooter Response Drill (ASRD) scheduled for tomorrow has been canceled at the direction of the Administrator's Office," said the email sent to employees yesterday.

"We appreciate the support from HQ staff and EPA law enforcement in planning for this drill. We are evaluating alternate dates and locations for scheduling another occupant-focused ASRD for EPA Headquarters in the near future."

EPA press officials didn't respond to questions about why the administrator's office canceled today's active shooter drill.

The drill was to be conducted at 3 p.m. on the fifth floor of the William Jefferson Clinton North Building, according to another email sent yesterday morning before it was canceled.

The drill's beginning and end would have been announced over EPA's public address system, and participants would have practiced their "run, hide, fight" training from the Department of Homeland Security in responding to a gunman on the loose. Law enforcement was also expected to be present for the drill.

"Loud noises associated with the drill, including simulated gunfire and shouting may be heard as part of the drill. Please avoid the area if you are not a participant," the email said.

EPA's cancellation of its active shooter drill comes as the country wrestles with the tragic aftermath of another mass shooting. Last week, 17 people, including students, were killed in a shooting at a Parkland, Fla., high school.

EPA also had its own recent scare with an active shooter, although reports of gunshots at the agency's headquarters turned out to be false.

This past August, several employees at EPA headquarters sheltered in place and police rushed to the scene when one worker called 911 after hearing what were thought to be gunshots, later suspected to be the sound of a door slamming shut. Agency officials vowed to learn from the incident while acknowledging it was upsetting for some employees (E&E News PM, Aug. 22, 2017).

The Hill

<http://thehill.com/policy/energy-environment/374633-former-epa-admin-regulation-rollbacks-legally-not-going-to-hold-up>

Obama EPA chief: Trump regulation rollbacks won't hold up legally

By Miranda Green, 2/20/18, 11:56 AM

Former EPA Administrator Gina McCarthy says that regulations struck down by the Trump administration simply because they were issued under President Obama won't carry weight in court.

McCarthy, who led the Environmental Protection Agency from 2013 to 2017, called the recent political targeting of regulations at the agency a "real problem."

"I think the important thing is none of them should be touched unless the administration has a real reason to touch them, other than it was done under the Obama administration, and that is the real problem that we see," McCarthy on Tuesday told BuzzFeed's morning livestream program, "AM to DM."

The former administrator, who has been an outspoken opponent of changes made under current EPA head Scott Pruitt, specifically mentioned the administration's desire to change the Clean Water Rule, also known as the Waters of the United States rule.

"We see the Clean Water Rule being proposed to be repealed, all that rule really did was do what the Supreme Court and what science told us to do to make sure we are protecting the rivers and streams that are necessary to ensure safe drinking water and fishable and swimmable waters," McCarthy said.

"That is being challenged just because the president told them to do that in an executive order. That's legally not going to hold up."

President Trump had made it a campaign trail promise to repeal the controversial 2015 Clean

Water Rule. He signed an executive order in February 2017 formally asking Pruitt to consider repealing the rule and replacing it with a more limited one.

Last June, the EPA made its first steps to repeal the Clean Water Rule, and last month Pruitt formally suspended the Obama-era rule for two years while the administration works on a replacement draft rule.

McCarthy also touched on another hot point in environmental regulations, the Clean Power Plan, which she called one of the Obama administration's "premiere" steps.

Under Obama, the rule was met with many hurdles and has yet to be implemented. Prior to Trump taking office, the rule was awaiting final word from a federal appeals court.

Repealing the plan was part of Trump's promise to eradicate Obama's environmental legacy.

In October, the EPA formally announced plans to scrap the Obama administration's signature climate change rule for power plants. Pruitt signed the plan saying the rule exceeds the agency's authority under the Clean Air Act.

"I don't understand the reason why they'd want to delay decision in the DC Circuit over that, that are charging the legality of the rule," McCarthy said of the EPA's delay tactic. "Let them play out. Let us see whether we did it right. I think we did and I think they will hold up under court even if this administration wants them to go away."

When asked about recent news that Administrator Pruitt flies all work-related trips in either business or first class, frequently racking up thousands of dollars in tax-payer expenses, McCarthy said she always flew coach.

"It was comfy for the people in my family, it's comfy for me and the people that I serve," she said. "It's perfectly appropriate and that's how we travelled because our job was to make sure we

were protecting public dollars as best we could and making sure that every public dollar we could was being spent on the real mission of the agency, not the luxury of the administrator who was leading it."

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060074339/search?keyword=EPA>

'I never imagined this would happen' — ex-EPA staffer

By Niina Heikkinen, 2/21/18

Former U.S. EPA staff members who worked on the Clean Power Plan are urging the Trump administration to back off its plans to kill the rule.

In public comments submitted yesterday, a volunteer group of retired and former agency staff called Save EPA said it should be up to a federal appeals court — not the Trump administration — to decide whether the Obama administration's signature climate regulation should proceed as originally written. The group includes ex-EPA staffers who helped craft that rule.

EPA is currently seeking comments on its proposed repeal of the Clean Power Plan. The agency is also in the process of developing a plan for a rule replacement.

Save EPA billed the repeal process as "an enormous waste of time," given that the U.S. Court of Appeals for the District of Columbia Circuit has already been fully briefed and heard legal arguments on the case in September 2016. The case has been on ice since, at the request of EPA, to allow the agency the opportunity to review the rule.

Save EPA's comments come as the agency prepares to host its second listening session today on repealing the rule. Today's session is slated for Kansas City, Mo., and another is planned for next Wednesday in San Francisco.

"We urge the EPA to halt this repeal action, to obtain a court decision in the CPP litigation and if the rule is upheld based on the strong legal arguments presented in court, to implement the CPP without further delay," the commenters wrote.

The Obama administration's rule faced fierce legal pushback for setting systemwide rather than facility-level regulations on carbon emissions. The current EPA administrator, Scott Pruitt, was among a cadre of state attorneys general to file lawsuits against implementation of the rule. The agency under Pruitt's leadership is widely expected to rewrite the regulations to focus on controlling emissions at the power plant level.

Today's listening session will focus on the prospect of repealing the rule and will mainly feature speakers from environmental and public health groups such as the Natural Resources Defense Council, the Sierra Club, GreenLatinos, Citizens' Climate Lobby, the American Lung Association and Moms Clean Air Force. Save EPA is planning on sending a representative to the fourth and final listening session in Gillette, Wyo., next month.

The Federal Register currently has over 17,000 public comments on the proposal, many of them also critical of a repeal.

Save EPA members slammed EPA for not adequately taking into account the impacts of climate change on the American public. They argue the Clean Power Plan as it was first written was an "appropriate way" to limit carbon emissions, considering the interconnectedness of the country's electricity system. They noted the agency's revised cost-benefit analysis significantly underestimated the costs associated with a warming planet. According to the agency's 2015 analysis, the rule would yield between \$31 billion and \$54 billion in benefits, and \$5.1 billion to \$8.4 billion in costs once the rule was fully implemented in 2030.

"They are taking away tools the EPA administrator would have to reduce emissions substantially. The tack they are taking legally means it will be possible only to get a small fraction of the emissions reductions from a new replacement rule than could be gotten from the

CPP. That's not the kind of position I'd hope an EPA administrator would take," said Jim Ketcham-Colwill, former EPA air policy analyst who helped to write the Clean Power Plan.

While Save EPA has focused on the negative impacts of allowing greater carbon emissions, other critics of the Clean Power Plan repeal have focused on how the rule could have helped to create renewable energy jobs if states chose to reduce their carbon emissions under the plan by turning to other energy sources.

Ashok Gupta, the senior energy economist at NRDC, wrote in a recent blog post that Midwest utilities are increasingly interested in cheap wind energy.

"In the Midwest, the trend is clear; the transition to clean energy is underway and will only intensify in the future. Having a strong national strategy to cut carbon pollution that provides states the flexibility to implement their own plans based on their resources is our best chance at fighting climate change and creating a path towards cleaner, cheaper and more reliable energy," Gupta wrote.

Ketcham-Colwill noted EPA had given a wide range of groups, including state energy regulatory agencies and governors' offices, ample opportunity to offer input on the climate rule.

"The agency got all kinds of plaudits that this was the most extensive stakeholder outreach process that the agency has perhaps ever done," said Ketcham-Colwill.

Ellen Kurlansky, another former air policy analyst at EPA who helped develop the Obama-era rule, said that in addition to public hearing and comments, a range of groups were involved in developing the rule from the very early stages until it was being finalized.

"People often want to talk to us and tell us what they think. We really had an open door," she said.

Kurlansky warned that delaying carbon emission reductions from power plants could have serious implications for rural and low-income Americans most impacted by climate change. For example, changing weather patterns, temperatures and season length can affect which crops are viable in specific parts of the country. Isolated communities could have a hard time getting aid in the event of climate-driven severe weather.

Meanwhile, low-income communities are often least able to financially prepare for or recover from environmental disasters. Many live in closer proximity to power plants and bear a higher brunt of the public health impacts. Indigenous communities also suffer from the loss of traditional cultural practices.

Kurlansky said she had not considered the prospect of a future administration seeking to undo the rule while she was working on it.

"I never imagined this would happen, it's really sad to see," she said.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060074317/search?keyword=EPA>

Justices pass on challenges to EPA's Clean Water Act power

By Amanda Reilly, 2/20/18

The Supreme Court won't revive a pair of lawsuits challenging U.S. EPA's authority under the Clean Water Act. Justices today passed on taking up cases related to stormwater policies and permits for water reclamation plants.

As with a recent litigation over the Obama-era Clean Water Rule, the Supreme Court petitions centered on the correct legal venue to bring lawsuits. In both instances, a lower court tossed out the suit after finding it did not have jurisdiction.

At issue in the stormwater case were EPA policies guiding whether cities may dilute stormwater before discharging it into rivers and streams, and the treatment of wastewater during heavy rains.

The 8th U.S. Circuit Court of Appeals in 2013 found EPA illegally created rules in letters to Sen. Chuck Grassley (R-Iowa), instead of going through the formal rulemaking process.

EPA, though, continued to apply the policies on a case-by-case basis everywhere but the 8th Circuit, which runs down the center of the country from North Dakota to Arkansas.

The Center for Regulatory Reasonableness, which represents municipalities and industrial entities, filed suit in the U.S. Court of Appeals for the District of Columbia Circuit to halt the disputed policies nationwide.

The group specifically challenged a pair of 2014 letters to industry associations in which EPA conveyed how it would respond to the 8th Circuit decision.

But a three-judge panel of the D.C. Circuit tossed out the case last year after finding the group should have brought its challenge to federal district court — not the appeals court — under the Clean Water Act (Greenwire, Feb. 28, 2017).

The Supreme Court issued a similar decision in the Clean Water Rule litigation, rebuffing the federal government's arguments that litigation belonged in appeals courts.

The Clean Water Act routes challenges to effluent limitations, other limitations and permitting decisions to appeals courts; other cases go to district courts (Greenwire, Jan. 22).

In its petition to the Supreme Court, the Center for Regulatory Reasonableness argued the D.C. Circuit's decision has "powerful consequences" for the 43 states outside the 8th Circuit.

EPA is "free to impose even vacated" water permitting modifications, "with little fear of the immediate judicial review," the petition said.

The Justice Department had urged the court to decline the case. Government attorneys said the D.C. Circuit correctly concluded EPA's letters interpreting the 8th Circuit decision weren't actions that could be challenged in appeals court under the Clean Water Act.

Challenging the 'puppet master'

At issue in the second case was a Southern California Alliance of Publicly Owned Treatment Works (SCAP) suit challenging EPA's objections to state-issued permits for two water reclamation plants in El Monte and Pomona, Calif.

EPA in 2014 sent a formal objection letter to the Los Angeles Regional Water Quality Control Board threatening to veto the permits. The agency said the approvals, which the Los Angeles board later modified, didn't include necessary daily and monthly limits.

But the alliance argued that EPA used the objection letter to create new rules about permitting without formal notice and comment.

The 9th U.S. Circuit Court of Appeals, however, ruled that it couldn't hear the case because the letter in question was just an "interim step in a complex statutory scheme" and not subject to review by federal court. The 9th Circuit directed the alliance to pursue its case either administratively or in a state court.

The alliance appealed, arguing that the court failed to differentiate between EPA's objections to the permit and the permit itself.

"U.S. EPA continues to use its objection powers to unlawfully push states to adopt measures beyond the requirements of federal regulations," SCAP said. "The 9th Circuit's decision ... relegated SCAP to challenging the puppet, when SCAP seeks to directly challenge the actions of the puppet master."

The Justice Department asked the Supreme Court to pass on the case. DOJ said the EPA letter in question did not set out any binding effluent limitations.

Other cases

At their weekly conference Friday, justices are scheduled to consider a third Clean Water Act petition asking them to overturn a decision that reinstated EPA's contentious "water transfers" rule. They could announce whether they're taking up that case early next week (Greenwire, Sept. 21, 2017).

Along with the water disputes, the Supreme Court today also declined a handful of other environment- and energy-related cases.

Justices won't review a lower court's split decision that North Carolina lacked sovereign control over 45 miles of riverbed where Alcoa Power Generating Inc. had built and operated four hydroelectric dams.

The Tar Heel State argued the company had illegally continued to use the Yadkin River for hydroelectric plants without permission after shuttering an aluminum smelting plant that drew power from the dams (Greenwire, Nov. 15, 2017).

Greens' efforts to halt a hydroelectric project in North Carolina likewise dead-ended. American Rivers and the city of Rockingham had challenged the Federal Energy Regulatory Commission's approval of a license for Duke Energy Progress' Tillery development on the Yadkin and Pee Dee rivers (Greenwire, Jan. 12).

The court also won't hear claims by a group of plaintiffs who allege they developed cancer after being exposed to radiation emissions at Nuclear Materials and Equipment Corp.'s facility in Apollo, Pa. The site processed uranium and provided enriched uranium for naval reactors from the 1950s to the early 1980s.

The Hill

<http://thehill.com/policy/energy-environment/374824-hundreds-of-mayors-come-together-to-oppose-trump-reversal-of-obama>

Hundreds of mayors unite against Trump reversal of Obama-era climate plan

By John Bowden, 2/21/18, 9:46 AM

Hundreds of mayors representing cities in 47 states and territories have signed a letter opposing the Trump administration's move to roll back the Obama administration's Clean Power Plan (CPP).

In a letter addressed to Environmental Protection Agency (EPA) chief Scott Pruitt, 236 U.S. mayors wrote that the Trump administration's attempt to roll back the environmental restrictions would have "devastating health and economic impacts on their communities."

"We strongly oppose the proposed repeal of the Clean Power Plan, which would put our citizens at risk and harm our efforts to address the urgent threat of climate change," the letter to Pruitt reads.

"The legal authority of cities and other municipalities generally extends only as far as their state governments and federal law allow, and as a result, our local efforts to address climate change

are highly sensitive to national policies like the Clean Power Plan, which shape markets, steer state action, and have large direct impacts on nationwide emissions," it continues.

The EPA has been considering a plan to repeal the Clean Power Plan, the centerpiece of former President Obama's environmental agenda, since at least October.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," Pruitt said in a statement last year.

"We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."

The final version of the CPP was unveiled in 2015, and aimed to reduce carbon dioxide emissions from electrical power generation by 32 percent by 2030. President Trump signed an executive order last March ordering the EPA to review the rule for a possible repeal.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074297/search?keyword=EPA>

OMB greenlights bid to scrap Obama oil and gas guidelines

By Sean Reilly and Niina Heikkinen, 2/20/18

The White House Office of Management and Budget has cleared U.S. EPA's proposal to scrap

pollution-reduction guidelines for existing oil and gas operations, setting the stage for the rollback of another piece of the Obama administration's environmental agenda.

OMB's Office of Information and Regulatory Affairs finished a standard interagency review of the proposed withdrawal notice for the "control techniques guidelines" on Friday, according to the Reginfo.gov website. Once the notice is signed, EPA will put the proposal out for public comment, an agency spokeswoman said in an email today.

The guidelines, issued in October 2016, were a key part of EPA's strategy then for reducing emissions of volatile organic compounds (VOCs) from existing oil and gas facilities. In sunshine, VOCs react with nitrogen oxides to form ozone, a lung irritant that is the main ingredient in smog.

Although not a regulation, the guidelines are technical recommendations for states to consider for areas deemed in "moderate" nonattainment or worse for EPA's 2008 ozone standard of 75 parts per billion. They also apply in the Ozone Transport Region, which encompasses 11 Northeastern states, the District of Columbia and Northern Virginia.

"It is addressing sources that you wouldn't otherwise get at from ozone regulation," Joanne Spalding, senior managing attorney at the Sierra Club, said in a recent interview.

States can use "reasonable cost" technological fixes to control the pollutants, such as replacing high-bleed pneumatic controllers with low-bleed controllers. At the time, EPA billed the recommendations as a way to also reduce emissions of methane, a potent greenhouse gas, and save the industry money in lost product.

While EPA officials have so far not formally laid out their rationale for now seeking the guidelines' repeal, that step would mesh with the Trump administration's goal of easing requirements that would be seen as hindering domestic energy production (Greenwire, Dec. 15, 2017). The oil and gas industry, citing the potential price tag for smaller producers, had opposed the guidelines' adoption.

The guidelines — often known by their acronym, CTGs — were released as part of an Obama-era suite of requirements aimed at controlling a range of pollutants from the oil and gas industry. This included landmark regulations to reduce methane releases from new and modified sources, according to Spalding.

EPA Administrator Scott Pruitt's decision to withdraw the CTGs comes on the heels of efforts to roll back or delay parts of those methane regulations. EPA plans to release a notice of proposed rulemaking on changes to the new source rule in August and anticipates the release of a final rule in 2019.

EPA had sent the proposed notice of withdrawal of the control techniques guidelines to OMB in mid-December (Greenwire, Dec. 18, 2017).

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074295/search?keyword=EPA>

Judges hear arguments over 2 EPA listing decisions

By Amanda Reilly, 2/20/18

An appeals court today considered U.S. EPA decisions to add sites to a list of the nation's most contaminated areas, including a large mining district that contains the Gold King abandoned mine.

EPA put the Bonita Peak Mining District and nine other sites on its national priorities list of Superfund sites in September 2016.

Sunnyside Gold Corp. has filed a lawsuit challenging EPA's decision to list the mining district. In a separate suit, a pair of companies argue that the agency broke the law in adding the site of a former dry cleaner and auto shop in Indiana.

The U.S. Court of Appeals for the District of Columbia Circuit today heard back-to-back arguments in the cases.

While not directly related, the 2015 Gold King abandoned mine rupture is part and parcel of the Bonita Peak Mining District challenge.

In August of that year, EPA contractors accidentally triggered the rupture at the Gold King site, sending 3 million gallons of toxin-laced water into the Animas and San Juan rivers, which then flowed through a corner of New Mexico into Utah.

A little more than a year later, EPA added the abandoned mine to its national priorities list as part of the larger 100,000-acre Bonita Peak Mining District. The larger district has been a "hotbed of hardrock mining activity for gold, silver, lead and copper" since the 1870s, according to EPA, and includes three drainage areas that converge in the Animas River.

Sunnyside Gold Corp., which operates the Sunnyside mine, sued. The company argues that EPA — faced with lawsuits and recrimination over the 2015 rupture — issued an "overly broad listing" that sets a "terrible precedent."

The company says EPA failed to evaluate all the sources within the mining district — including Sunnyside mine and other sites it owns — under the Hazard Ranking System. EPA used the system to score only 19 of the individual contamination sources within the Bonita Peak Mining District; the site includes another 27 sources that weren't scored.

"If you're going to put property on the [national priorities list], you need to score it," Neil Westesen, an attorney representing Sunnyside, argued today in the courtroom.

He added that the owners of nonscored properties would potentially be faced with steep cleanup costs under the national Superfund law.

Sunnyside says it's already spent more than \$15 million remediating multiple locations within the mining district. It installed bulkheads in tunnels of the Sunnyside Mine network, including one in a tunnel that connected Sunnyside Mine to the Gold King abandoned mine. New Mexico and the Navajo Nation both named Sunnyside as a plaintiff in their litigation over the 2015 blowout, but the company says it's not responsible for the incident in any way.

For its part, EPA argues it was not required to score all the pollution sources within the broader mining district. It says that the 19 sites it chose to score were representative of the mining operations in the area and that acid mine drainage from all the sources within the district "commingled" as it flowed into waterways.

The mining district is a "single site" encompassing multiple sources, said Meghan Greenfield, a Justice Department attorney representing EPA.

She warned of the consequences of the court ordering EPA to "nitpick" each individual source within a larger site.

At an industrial site, Greenfield said, "their approach would have EPA score every barrel of leaking substances."

In court documents, EPA also says it did not separately evaluate the 2015 blowout at the mine in its decision to list the Bonita Peak Mining District. The agency says it would have placed the district on the national priorities list regardless of the incident.

At today's arguments, Judge Harry Edwards, a Carter appointee, said EPA's approach appeared to be "consistent" with the regulations guiding the use of the Hazard Ranking System. He said Sunnyside was "conflating" the terms "source" and "site" in EPA's regulations.

"The regulation absolutely distinguishes between a site and a source," he said.

Senior Judge Douglas Ginsburg, a Reagan appointee, also appeared at times to side with EPA, saying the Sunnyside mine wasn't completely mitigated despite the company's efforts.

He expressed some concern, though, about the practical consequences of the listing.

A listing on the national priorities list is akin to a "roach motel" in which a company gets caught up in the system and doesn't come out, Ginsburg said.

Indiana site

EPA is facing a separate lawsuit over its September 2016 decision to place an industrial site in Indiana on the national priorities list.

But while the case involves the same topic, it raises different legal issues.

At issue is the West Vermont Drinking Water Contamination site in Marion County, Ind. At the site, a former dry cleaner discharged wastewater containing perchloroethylene into a leaky sewer system that then migrated into groundwater, according to court documents. A carburetor and brake remanufacturing facility operated between 1956 and 1973 also contributed to contamination.

EPA based its decision on findings that aquifers within 2 miles of the sites are "interconnected" and that municipal well fields 4 miles away could be affected by contamination.

Aimco Michigan Meadows Holding LLC, which was formed in 1999 to acquire the apartment and shopping center on the site, and Genuine Parts, the successor to the car repair shop,

challenged the listing under administrative law.

Catherine Stetson, an attorney representing the companies, today argued that EPA made a "fundamental" failure by not responding to comments and studies contained in the record, including evidence showing a "confining layer" of clay or till that prevented contamination from reaching water supplies.

She also argued that EPA neglected to pay heed to the direction of groundwater flows.

"Groundwater flows away from the well fields that are of interest to EPA," Stetson said.

Edwards said he had some issues with EPA's analysis.

"It isn't clear to me that the agency has given substantial evidence in this record with respect to hydrologic interconnection," Edwards said, adding, "You're assuming it all the way through, and I don't see it."

InsideEPA

<https://insideepa.com/daily-news/epa-names-chemical-company-lawyer-waste-offices-deputy-slot>

EPA Names Chemical Company Lawyer To Waste Office's Deputy Slot

2/21/18

EPA has named Steven Cook, corporate counsel for one of the world's largest plastics and chemical companies, to be the deputy assistant administrator in the agency's waste office, making him the highest-ranking political official in the office even as a long-time confidante to Administrator Scott Pruitt continues to lead the office's high-profile Superfund reform effort.

Cook, who served as in-house senior counsel for LyondellBasell, started as deputy assistant administrator for the Office of Land & Emergency Management (OLEM) Feb. 20, according to an email sent to staff from Principal Deputy Assistant Administrator Barry Breen. The slot does not require Senate confirmation.

Breen, a long-time career official, has effectively been heading the office in the absence of a political appointee at OLEM, since the Trump administration took office. Typically, a career official occupies the position of principal deputy assistant administrator, while the deputy assistant administrator is a political appointee.

Patrick Davis, President Donald Trump's Colorado campaign director, filled the deputy slot for part of 2017.

And Albert Kelly, a controversial former Oklahoma banker who has known Pruitt for years, has been leading the administrator's Superfund reform push.

While Cook will bring an industry perspective to the office, it is unclear if he will be able to address industry concerns that Pruitt is adopting costly excavation remedies at some Superfund sites.

In addition to his role at LyondellBasell, Cook also served as vice chair of the board of directors of the Corporate Environmental Enforcement Council (CEEC), a cross-industry coalition whose members include a host of major energy, chemical, aerospace, transportation, pharmaceutical, food processing and transportation companies.

Of the more recent public comments filed by CEEC are comments submitted in 2016 on EPA's proposed Risk Management Programs rule for preventing accidental chemical releases, a

measure that Pruitt is now seeking to withdraw.

In its comments, CEEC strongly criticized the Obama administration's proposed version of the rule, including its call for third-party audits and EPA's failure to coordinate the rulemaking with other agencies.

According to LyondellBasell's website, the company is one of the largest plastics, chemical and refining companies in the world. It is the leading producer of oxyfuels in the world, and is the top producer in North America and Europe of polypropylene, its website says.

Cook holds both a law degree and chemical engineering degree from Brigham Young University, as well as a masters of business administration degree from the University of Texas at Austin, according to his LinkedIn profile.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060074319/search?keyword=EPA>

'Lean' training this spring — operations chief

By Kevin Bogardus, 2/20/18

Training in U.S. EPA's streamlined management techniques will begin soon, the agency's No. 3 official said in an internal email to employees today obtained by E&E News.

Assistant Deputy Administrator Henry Darwin wrote that "deployment training" for EPA's "Lean" management system for teams of agency employees is happening this spring. It comes as the agency looks to boost employee engagement.

Darwin noted in his email that while engagement has increased in the Federal Employee Viewpoint Survey, which polls government workers' morale and commitment to their jobs, EPA still ranks in the bottom half of large federal agencies.

Darwin cites a speaker at last month's conference for senior leaders — John Kamensky, a senior fellow with the IBM Center for the Business of Government — who said engagement goes up when employees have latitude to improve their jobs, the training to accomplish that goal and good communication with their bosses.

"Through [Lean management], EPA will achieve these three elements of engagement," said Darwin. "Weekly huddle meetings around visual management boards will provide teams — staff and management alike — the means to see how work is flowing and to identify ways of improving the work process.

"[Lean] deployment training for teams across the agency will begin this spring, and coaching will always be available to help with the new approaches," he said.

In addition, managers are expected to check in with their subordinates every day to boost communication and resolve issues, said Darwin.

"Finally, our expectations of agency managers will include short, daily, one-on-one check-ins with staff members to increase communication and, as always, solve small problems before they become big problems," Darwin said, concluding, "I realize that the work we've done so far feels top down, but that will soon change. Thank you in advance for joining me on this journey."

The Lean system is essentially the foundation for EPA's "reform plan" to streamline operations, which was called for under an executive order signed by President Trump last year.

The agency has also set up a steering committee of career officials and political appointees,

which Darwin has tasked with drafting a vision for EPA (Greenwire, Feb. 6).

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060074393/search?keyword=EPA>

IG to examine emergency-response gear

By Kevin Bogardus, 2/21/18

U.S. EPA's inspector general plans to take stock of equipment used to respond to natural disasters and terrorist attacks.

In a notice dated yesterday, the internal agency watchdog said it plans to begin "preliminary research" on how EPA manages equipment used in counterterrorism activities and emergency response.

"The OIG's objective is to determine whether the EPA has the needed and required counter terrorism and emergency response equipment and whether the equipment is efficiently managed, tracked and available for potential counter terrorism or emergency response incidents," said the notice signed by Michael Davis, director of the Efficiency Directorate in the IG's Office of Audit and Evaluation.

The IG initiated the project on its own and plans to work in several program offices, including the Office of Land and Emergency Management and the Office of Homeland Security, as well as regional branches for the agency.

The watchdog also asked for many documents, such as a list of all such equipment as well as any

interagency agreements related to the buying and management of the equipment.

The probe comes after last year's devastating hurricane season, which saw EPA respond to major storms in Texas, Florida and Puerto Rico.

As part of its emergency-response function, EPA works on oil spills, chemical and radiological accidents or attacks, as well as natural disasters. Some of the agency's equipment for the job includes aircraft to detect chemical and radiological leaks and a mobile laboratory, as well as protective gear like hazmat suits.

AP

<https://apnews.com/5cbce7f863594d0a96b2d4848c548566/Oil-spill-cleanup-underway-in-suburban-Oklahoma-City>

Oil spill cleanup underway in suburban Oklahoma City

2/20/18

YUKON, Okla. (AP) — A spokesman for the Environmental Protection Agency says cleanup is underway in suburban Oklahoma City where about 2,000 barrels of oil spilled from a ruptured pipeline.

EPA on-scene coordinator Mike McAteer said Tuesday workers are skimming oil off the surface of a 7-acre pond near a neighborhood outside Yukon, about 17 miles (27 kilometers) west of Oklahoma City.

McAteer says oil bubbled into the pond early Sunday from a pipeline operated by Centurion

Pipeline L.P. He says crews will tunnel beneath the pond to inspect the ruptured pipeline and prevent further releases.

McAteer says cleanup efforts have been slowed by rain and sub-freezing temperatures in the area.

Centurion spokesman Eric Moses says the company is making progress “and will continue to work safely and efficiently until our work is complete.”

Reuters

<https://www.reuters.com/article/us-missouri-lawsuit/missouri-residents-sue-over-radioactive-material-storage-sites-idUSKCN1G50AZ>

Missouri residents sue over radioactive material storage sites

2/20/18, 11:09 PM

(Reuters) - Residents living near landfill sites in the St. Louis area where radioactive waste has been stored filed lawsuits on Tuesday seeking compensation, claiming negligence in handling materials they said were some of the most dangerous on Earth.

Two lawsuits seeking class action status were filed at St. Louis County court for sites that included the West Lake Landfill in Bridgeton, Missouri, and an area near the Coldwater Creek in the county.

Among the 10 defendants are Republic Services, Exelon Corp and the Cotter Corp. Officials from those companies were not immediately available for comment.

“Defendants treated these hazardous, toxic, carcinogenic, radioactive wastes with about the same level of care that a reasonable person might give to common household garbage, dumping it without authority from the State of Missouri and in violation of law,” the lawsuits contend.

The suits did not state an amount being sought by the plaintiffs.

The history of nuclear waste in the St. Louis area dates back to the U.S. atomic bomb program from World War Two and spans an array of nuclear processing facilities, storage sites, material transfers and suspected leaks along the way.

The U.S. Environmental Protection Agency has deemed some of the St. Louis-area places that were a part of that history “Superfund” sites, placing them among highly polluted areas that are a national priority for clean-up.

The West Lake site, originally used for agriculture, became a limestone quarry in 1939. But starting in the 1950s, portions of the area were used to dispose of municipal refuse, industrial wastes and construction debris, the EPA said.

In 1973, some 8,700 tons of leached radioactive barium sulfate from the Manhattan Project, the World War Two-era atomic bomb-development program, were mixed with 38,000 tons of soil used to cover trash dumped at the site, according to the EPA.

In 1990, the landfill and neighboring waste-disposal facilities occupying a total of 200 acres (80 hectares) were designated by the EPA as a single Superfund site.

E&E Energywire

<https://www.eenews.net/energywire/stories/1060074323/search?keyword=EPA>

IG report discounted Tar Creek Superfund fraud claims

By Mike Soraghan, 2/21/18

An investigation by U.S. EPA's watchdog agency in 2013 discounted allegations of fraud at the Tar Creek Superfund site in 2013.

The findings of EPA's inspector general run counter to those of Oklahoma State Auditor Gary Jones, who says his audit found criminal violations at the site.

But they track with the decision of then-Oklahoma Attorney General Scott Pruitt, who declined to bring charges after receiving Jones' audit.

"This investigation revealed no evidence to support any allegations by the complainants," states the EPA IG report, first reported by the newspaper Tulsa World.

Pruitt, now EPA administrator, and his replacement, Mike Hunter, kept the audit secret. So it is not clear how similar the investigations might have been.

Daniel Stevens, who heads a group suing to get the audit made public, said people should be able to compare the two reports.

"It sure seems like Pruitt and his allies are worried about the conclusions contained in the state auditor's report," said Stevens, executive director of Campaign for Accountability. "Pruitt should be held accountable for how he responded to the findings of his own state's auditor."

A hearing in the case has been set for Friday in Oklahoma County District Court.

Tar Creek is a 40-square-mile site in the far northeastern corner of Oklahoma where land and water were contaminated by decades of lead and zinc mining that ended in the 1950s. In the early 1980s, EPA deemed it the most contaminated site in the country.

As part of the cleanup, the federal government provided money in 2009 to buy out homeowners and demolish the homes. The work was overseen by a board of prominent residents called the Lead-Impacted Communities Relocation Assistance Trust.

But companies that sought demolition work complained that contracts were being unfairly steered to companies favored by board members. Jones has said his audit showed the government paid six times more than needed.

The investigation by EPA's IG was prompted by a federal whistleblower lawsuit filed in 2012. The suit alleged the trust board and contractors tapped into a "good ole boy network" and hatched a "sophisticated conspiracy" to rig bids and pay for work that was not done.

But the IG report says there were valid explanations for what the whistleblower suit called violations.

For example, the suit alleged that one of the contractors billed for demolition of the Picher, Okla., house where baseball slugger Mickey Mantle got married in 1951, even though the house is still standing at a location in the nearby town of Commerce. The IG report said after the house was moved that the contractor still had to clear debris and other items from the site, and deserved to be paid.

The redacted IG report is available on EPA's Freedom of Information Act release website. It was requested in 2015 by former trust chairman Mark Osborn.

Several entities, including E&E News, have requested Jones' Tar Creek audit and related documents. The requests have been rejected. Campaign for Accountability sued in November.

Hunter, the attorney general, is fighting the suit, citing grand jury secrecy (Energywire, Jan. 19). But Jones, the state auditor, responded by seeking a court order to release the audit. Jones has also said Pruitt "acted improperly" when, as attorney general, he sent a copy of the audit to the attorney for the trust.

Hunter's office filed a pleading last week countering some of Jones' claims and asserting that the audit is "shot full" of grand jury evidence.